

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROBERT BOSCH LLC,)
)
Plaintiff,)
)
v.) No. 09 C 6157
)
A.B.S. POWER BRAKE, INC., et al.,)
)
Defendants.)


MEMORANDUM ORDER

Robert Bosch LLC ("Bosch") has filed this intellectual property action, asserting violations of its trademark and other rights on the part of a California corporation and its three principals, all of whom are also California residents. Although this Court is contemporaneously issuing its customary initial scheduling order, this sua sponte memorandum order addresses a threshold issue that ought to be considered at the outset.

Complaint ¶7 asserts that venue here is appropriate because "on information and belief, a substantial part of the events or omissions giving rise to the claim occurred in this judicial district." But the rest of the Complaint focuses solely on substantive matters, with this solitary exception (Complaint ¶23):

Defendants have marketed their hydraulic vehicle braking systems under the BOSCH Marks to purchasers in this judicial district through advertisements in magazines circulated in this judicial district and through Defendant ABS' website. On information and belief, Defendants have sold one or more hydraulic vehicle braking systems into this judicial district.

That skeletal assertion is not particularly convincing, and venue is not of course a function of where Bosch and its counsel are located.¹ This Court expects counsel for both sides to be prepared to address this subject at the initial status hearing, unless defense counsel has earlier filed and noticed up for presentment a motion under Section 1404(a)--or perhaps under Fed. R. Civ. P. 12(b)(2)--before that date.



Milton I. Shadur
Senior United States District Judge

Date: October 6, 2009

¹ In the latter respect, this Court has from time to time remarked in the context of 28 U.S.C. §1404(a) ("Section 1404(a)") motions that "convenience of counsel" is not one of the statutory criteria for retaining a case in plaintiff's chosen forum.